

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERIC WITHERELL and  
DENISE FRANCISCO,

Plaintiffs,

v.

CITIMORTGAGE, INC.,

Defendant.

CASE NO. 1:15-CV-482

HON. ROBERT J. JONKER

**ORDER**

This matter came up for a Rule 16 conference on July 22, 2015. At the Rule 16 conference, the Court heard oral argument on Plaintiffs' Motion to Withdraw as Attorney (docket # 11) and Defendant's Motion to Dismiss (docket # 10). Based on its review of the record, and for the reasons stated in detail during the Rule 16 conference, the Court concludes that dismissal of Plaintiffs' Counts I, III, IV, V, and VI is appropriate. The Court also concludes that the requested withdrawal of counsel is warranted.

**ACCORDINGLY, IT IS ORDERED:**

1. Defendant's Motion to Dismiss (docket # 10) is **GRANTED** to the extent it seeks dismissal of Counts I, III, IV, V, and VI, and is **DENIED** in all other respects.
2. Plaintiffs' Motion to Withdraw as Attorney (docket # 11) is **GRANTED** as to Attorney Griffis. Attorney Lipman will be Plaintiff's counsel of record.

Dated: July 23, 2015

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE